UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/872,239	MINEYAMA, TORU
Office Action Summary	Examiner	Art Unit	
	Farzana E. Hossain	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 December 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,4-6,8,9,21-23,25-28,30-40,51-53,55,56 and 58-253</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) <u>70-253</u> is/are allowed.

6) ☐ Claim(s) <u>1,2,4-6,8,9,25-28,30-35,39,40,55,56,58-65 and 69</u> is/are rejected.

7) ☐ Claim(s) <u>21-23,36-38,51-53 and 66-68</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>01 June 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is responsive to communications filed on 12/05/05. Claims 1, 4, 5, 8,

9, 21, 25, 28, 30, 40, 51, 55, 58, are amended. Claims 2, 6, 22, 23, 26, 27, 31-39, 52,

53, 56, 59-253 are original. Claims 3, 7, 10-20, 24, 29, 41-50, 54, 57, are cancelled.

Note: Claims 21-23, 36-38, 51-53, 66-68 have been allowed but are dependent on

rejected base claims. Claims 70-253 have been allowed.

Response to Arguments

2.   Applicant's arguments filed 12-05-05 have been fully considered but they are not

persuasive. In response to applicants arguments for claims 1, 5, 9, 25, 40, 55, on pages

77-78. Ellis discloses an interactive television system that allows a user wit the

opportunity to schedule recordings remotely via the program guide server (Figure 2d,

Page 5, paragraph 0075, Page 15, paragraph 0163). Knudson is incorporated by

reference in its entirety (Page 12, paragraph 0128). Knudson discloses a system, which

allows the user to set recordings whether it is to a initiate, update, or delete/cancel that

recording (Figure 11). Ellis incorporates into his remote access system, which allows a

user to remotely perform the same functions at home, a system that provides more

information of the recording features. Therefore, the cancel recording feature as

disclosed by Knudson can be remotely performed by a user as he can enter the same

information in the remote program guide access device (Figure 2d, Page 5, paragraph

0075, Page 15, paragraph 0163, Pages 11-12, paragraph 0127). Knudson discloses

that the processing and storing of requests can be stored at the server (Page 8,

paragraph 0087). Ellis discloses that the client-server sends commands or a control

signal that automatically executes requests (Page 5, paragraph 0075, Page 9,

paragraph 0104, thus allowing server to process and execute a request to cancel

recordings. Since applicant's disclosure describes the script as an executable function,

Ellis while not using the term script, both execute recording as control signals without

interaction, thus being considered script or software, which automatically executes. The

system of Ellis with incorporated reference Knudson reads on a system which allows

the user to remotely access a program guide server to schedule a recording and then to

remotely update the information by canceling or deleting the recording, the server

processes the request (Figure 2d, 22). Although a script generating means is not

disclosed explicitly in Ellis or Knudson, the server can not process a control command

to cancel or delete a program recording without sending control commands and the

commands must be generated by the program guide server or program providing

apparatus in order to perform the necessary functions at the second terminal apparatus

or the user television equipment.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1,2,4-6,8,9,25-28,30-35,39,40,55,56,58-65 and 69 are rejected under 35

U.S.C. 103(a) as being unpatentable over Ellis et al (US 2005/0028208 and hereafter

referred to as "Ellis") in view of Daniels (US 2002/0032907). Also note Knudson, which

is incorporated by reference into Ellis. It is noted that Ellis incorporates by reference in

its entirety the application Knudson et al (Application No. 09/330,792 and published for

continued application 10/929,111 (US 2005/0204388) and hereafter referred to as

"Knudson").

Regarding Claims 1 and 5, Ellis discloses a program information providing

apparatus and method (Figures 2b, 2d, 6a, and 6b, 16) having storage means for

storing program information (Figure 2d, 24), which is attribute information about a

program, and a program chart (Page 5, paragraph 0072), the program information and

the program chart being sent to a first terminal apparatus (Figures 2b, 2d, 6a, and 6b,

16 and Figure 5) in response to a request from the first terminal apparatus for sending

the program information (Page 5, paragraphs 0072, 0073, 0074) and the program chart

via a network (Figure 2b, Figure 2d), the program information providing apparatus

comprising: a processing means to process a request (Page 5, paragraph 0075 – see

Knudson disclosure below) for recording or update to the program guide settings

(Abstract, Page 2, paragraph 0019 from the first terminal apparatus to which the

program chart has been sent (Figures 2b, 2d, 6a, 6b). Ellis discloses a program

recording preset script, which is a control command (Page 5, paragraph 0075, Page 9,

paragraph 0104) for controlling a recording apparatus (Figure 3, 32) to record a

specified program listed in the program chart to a recording medium (Figure 3, 32, Page

11, paragraph 0127, Page 15, paragraph 0163). The program guide server forwards

commands after processing a recording request from the first terminal (Figure 2d), that

the server has program recording commands and generating means for generating, on

the basis of the program information retrieved by the searching means or processing

means. Ellis discloses a sending means for sending the program recording preset

script generated by the program recording preset commands to a second terminal

apparatus (Figure 2d, Page 5, paragraph 0075, Page 9, paragraph 0104). Knudson

discloses a searching means for searching the storage means for the program

information in response to a program recording preset request or update to program

guide settings which includes recording (Page 8, paragraph 0087).

Regarding Claims 1, 5, 9, 25, 40, 55 all the limitations of the claims are listed in

the rejection of Claims 1 and 5 respectively except for the following limitations. Ellis

discloses a program preset system and method comprising a first terminal apparatus

(Figures 2b, 2d, 5, 6a and 6b, 24), a program information providing apparatus (Figures

2b, 2d, 6a and 6b, 17, 16, 25), and a second terminal apparatus (Figures 2b, 2d, 3, 6a,

6b, 17, 22) are interconnected via a network (Figures 2b, 2d, 6a, 6b, 19), the first

terminal apparatus includes a display means (Page 7, paragraph 0092) for displaying

received program information and program chart (Page 5, paragraph 0072), input

means (Page 7, paragraph 0092) for inputting a program recording preset request

(Page 2, paragraph 0015, Page 11, paragraph 0127), first sending means for sending

the program recording preset request inputted through the input means (Page 5,

paragraph 0075).   The program information providing apparatus or server has a

receiving means, as it handles all incoming (or received) requests (including a program

recording preset request) made by the remote access device (Page 5, paragraph 0075,

Page 11, paragraph 0127). It is also included that the server comprises a (second)

sending means for sending the program information retrieved by the searching means

to the first terminal apparatus or that program information accessed and searched by

the user is displayed (Page 5, paragraph 0072); and third sending means for sending

the program recording preset script generated by the program recording preset script

generating means (Page 5, paragraph 0075). It is necessarily included that the server

has sending means as it updates the second terminal device with all changes to the

program guide settings, which includes commands for recordings made by a request of

the first terminal device.

Knudson discloses a system, which allows the user to set recordings whether it is

to initiate, update, or delete/cancel that recording (Figure 11). Knudson discloses that

the processing and storing of requests can be stored at the server (Page 8, paragraph

0087). Ellis discloses that the client-server sends commands or a control signal that

automatically executes requests (Page 5, paragraph 0075, Page 9, paragraph 0104,

thus allowing server to process and execute a request to cancel recordings. The

system of Ellis with incorporated reference Knudson reads on a system which allows

the user to remotely access a program guide server to schedule a recording and then to

remotely update the information by canceling or deleting the recording, the server

processes the request by generating a command (Figure 2d, 22). Although a script

generating means is not disclosed explicitly in Ellis or Knudson, the server can not

process a control command to cancel or delete a program recording without sending

control commands and the commands must be generated by the program guide server

or program providing apparatus in order to perform the necessary functions at the

second terminal apparatus or the user television equipment.

Ellis is silent on the script generating means of the program providing apparatus

or server and the second terminal apparatus including: second receiving means for

receiving the program recording preset script supplied from the third sending means of

the program information providing apparatus as the client-server communications (Page

9, paragraph 0104) sends commands to record to the second terminal device.

Daniels discloses a server with a program recording control command generating

means (Figure 7) and a second receiving means for receiving the program recording

preset script (Figure 7, 2, Figure 8, 4, Figure 10) supplied from the third sending means

of the program information providing apparatus (Figures 7, 8, 9); and signal converting

means for converting the program recording preset script received by the second

receiving means into a program recording preset control signal (Page 13, paragraph

0132, Figure 7, Figure 14).   Since applicant's disclosure describes the script as an

executable function, both Ellis and Daniels, while not using the term script, both execute

recording as control signals without interaction, thus being considered script or

software, which automatically executes. Therefore, it would have been obvious at the

time the invention was made to one of ordinary skill in the art to modify Ellis to indicate

that commands or the program recording preset control signal generated by the server

are sent to the second terminal device and then converted to a control signal or script

(Figure 7, 2, Figure 8, 4, Figures 9-14) as taught by Daniels in order to provide a less

complicated way of programming the VCR including cable and television media by

using an Internet program guide (Page 3, paragraphs 0023, 0024).

Regarding Claims 40, 55, all the limitations of the claims are listed in the rejection

of Claims 1,5, 9 and 25 except for the following limitations. Ellis discloses receiving the

program from the program guide (Figure 1) in order to record the program (Page 11,

paragraph 0127). Knudson discloses that the second terminal will send the control

signals to the recording medium (Page 8, paragraph 0087). The recorder has control

means to record the program on the recorder. Daniels discloses that the recording

apparatus includes a receiving means to receive the converted control signal from the

second terminal (Figures 7-14). Therefore, it would have been obvious at the time the

invention was made to one of ordinary skill in the art to modify Ellis to convert the

command or script to a control signal (Figure 7, 2, Figure 8, 4, Figures 9-14) as taught

by Daniels in order to provide a less complicated way of programming the VCR

including cable and television media by using an Internet program guide (Page 3,

paragraphs 0023, 0024).

As for claims 2, 6, 28, 56, Ellis discloses that (Figure 3, 31, 32) where recoding

can be done in different storage device and that program guide settings can be changed

as requested (Page 5, paragraph 0075) which includes recorders.

As for claims 30-35, 58-65, Knudson provides a cancel function, which is

automatically executed or processed by a server or program providing apparatus thus

being considered script (Figure 11, 148). Ellis discloses that all functions can be done

at the remote device or user device in a peer-to-peer or client server communications

(Figure 2, 2d, Page 9, paragraph 0104).

As for claims 4, 8, Knudson discloses the required canceling script comes from a

user interface on the first terminal (see figure 11) and Ellis notes that any peer to peer

or client to server communications are possible (Page 9, paragraph 0104).

As for claim 26, Ellis discloses receiving the program listings and program

(Figure 1).

As for claims 39, 69, Ellis discloses that pay program account information, which

can include charging for recording service (Pages 4-5, paragraph 0070).

As for claim 27, Ellis discloses that the second terminal records the received

program in accordance to the control signal (Figure 3, 31, 32).

Allowable Subject Matter

5.   Claim 21-23, 36-38, 51-53, 66-68 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

The prior art of record does not suggest nor teach the recited limitations (or

similar limitations) in conjunction with other elements as claimed in the rejected

independent claims. Reasons for Allowance were indicated in the previous action.

6.   Claims 70-253 are allowed.

Reasons for Allowance were indicated in the previous action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH
February 3, 2005

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